

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application : Richard G. Henry

For : **ZERO VOLATILE ORGANIC
COMPOUND COMPOSITIONS BASED
UPON ORGANIC SOLVENTS WHICH
ARE NEGLIGIBLY REACTIVE WITH
HYDROXYL RADICAL AND DO NOT
CONTRIBUTE APPRECIABLY TO
THE FORMATION OF GROUND
BASED OZONE**

Serial No. : 09/022,779

Filed : February 12, 1998 (CPA filed July 18, 1999)

Examiner : L. Cross

Art Unit : 1721

Attorney Docket No. : ACD 2 0016-1

Cleveland, Ohio 44114-2518
October 22, 1999

#12/2
11-12-99

PRELIMINARY RESPONSE AND DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

In the present application, the Applicant has filed an Information Disclosure Statement identifying Japanese Publication JP-08302316 as a reference for the Examiner's consideration. (See original C.P.A. papers filed via facsimile on July 21, 1999). The JP-08302316 publication was published November 11, 1996, which is less than one year before the present application's priority date of July 18, 1997.

Prior to consideration of the JP-08302316 reference, and without conceding or admitting any particular relevancy of the JP-08302316 reference, Applicant attaches hereto a Declaration under 37 C.F.R. §1.131 which establishes that the invention disclosed herein relating to n-propylbromide as a zero-VOC solvent was made on a date prior to the publication date of November 11, 1996 of the JP-08302316 publication. As such, Applicant

submits that the reference, if applicable, would no longer be considered as prior art under 35 U.S.C. §102(a) in view of the attached 1.131 Declaration.

Applicant respectfully requests that the present application, which was originally allowed on June 23, 1999, is still in condition for allowance, even in view of the newly submitted JP-08302316 publication. Early notification of allowability is earnestly solicited. Should any issues remain in the present application, the Examiner is encouraged to contact the undersigned to attempt to resolve any such issues.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this Preliminary Response and Declaration in connection with U.S. Patent Application Serial No. 09/022,779 is being transmitted by facsimile to the U.S. Patent Office, Group Art Unit 1721, Attention Examiner L. Cross at Telefacsimile No. (703) 305-5408, on this 26 day of October, 1999.

By: 
Nancy J. Kingzett

FROM : 10/22/99 10:40 FAX 12102411000

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3. I declare that at a date prior to November 11, 1996, the publication date of the JP-08302316 publication, the invention disclosed in the present application was completed in this country. In this regard, I have attached hereto copies of data reproduced from my Laboratory notes (dates omitted), and other technical data material which establishes the completion of the invention prior to November 11, 1996. I hereby declare that the attached evidentiary materials were prepared prior to November 11, 1996.

4. Specifically, Exhibit 1, attached hereto, shows that 1-bromopropane (or n-propylbromide) was identified as a zero volatile organic compound. The 1-bromopropane was tested as a solvent for eighteen different resinous materials, including elastomeric resins, coating resins and tackifiers. It is noted that the 1-bromopropane/resin combinations are identified as useable in adhesive, ink or coating formulations.

5. In attached, Exhibit 2, the 1-bromopropane was identified as a zero volatile organic compound and was combined with acetone (also identified as a non-VOC compound). The mix of 1-bromopropane and acetone was tested as a solvent for eighteen different resinous materials. The results of the test identify that the 1-bromopropane and acetone combination would be useful in coating, ink or adhesive formulations. It is noted that the ability to function as adhesives is emphasized.

6. Each of the dates deleted from Exhibits 1 and 2 is prior to November 11, 1996.

7. It is submitted that the information in attached Exhibits 1 and 2 demonstrate that the invention of n-propylbromide (1-bromopropane) as a zero-VOC solvent in a solvent resin composition was completed in this country at a date prior to November 11, 1996.

FROM : 10/22/99 10:20 FAX 12102411000

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true ; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard G. Henry 10/22/99
Richard G. Henry (Date)